



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #1.500

Inmate Good Time

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Authority: Wyoming Statute(s): 25-1-104; 25-1-105; 7-13-420 ACA Standard(s): 4-4461; 4-4097; 1-ABC-5A-07; 1-ABC-1E-09	Effective Date: July 1, 2010 Revision/Review History: Summary of Revision/Review: Establishes a new policy pertaining to the WDOC's authority to award, remove, or withhold special good time and good time.
Cross Reference of Policy: P&P 3.101, <i>Code of Inmate Discipline</i>	Supersedes Existing Policy : P&P #1.500, <i>Wardens'/Superintendent's Special Good Time Awards</i> , dated 3/18/00.
Approved: R.O. Lampert Robert O. Lampert, Director	
7-13-10 Date	

APPROVED FOR INMATE DISTRIBUTION

REFERENCE

1. ATTACHMENTS

- A. WDOC Form 156: *Removal of Good Time Allowances*
- B. WDOC Form 157: *Restoration of Previously Withheld or Removed Good Time Allowances*

2. OTHER

- A. Governor's Office Rules: *Good Time Allowances for Inmates and Parolees of the Wyoming Department of Corrections*, dated 7/01/2010



I. PURPOSE

- A. Awarding, Removing, Withholding and Recording of Inmate Good Time Allowances.** The purpose of this policy is to establish a process for the awarding, removing, withholding, and recording of good time allowances from the minimum and maximum sentence imposed by the court.

II. POLICY

- A. General Policy.** It is the policy of the Wyoming Department of Corrections (WDOC) to utilize a process of awarding, removing, and withholding of good time allowances, which serves as an incentive for inmates to abide by the rules of the facility, participate in recommended programs and activities, and pursue other activities and behaviors which improve the likelihood of positive institutional adjustment and successful re-entry to the community. The awarding of good time serves as an incentive and is part of the compensation for program compliance. (ACA 4-4461, 1-ABC-5A-07) This is to be communicated to inmates beginning with the intake process.
- B. Recording.** It is the policy of the WDOC that there will be accurate computation and recording of any good time earned, consistent with this policy, W.S. § 7-13-420(a), and the Governor's good time rules. (ACA 4-4097, 1-ABC-1E-09)
- C. Applicability.** It is the policy of the WDOC that this shall apply to all Wyoming inmates, except those under court order to the contrary. Inmates to whom this policy applies may be eligible for sentence reductions from both the minimum sentence and the maximum sentence, within the guidelines of this policy.
- D. Award of Good Time.** It is the policy of the WDOC that if the inmate has a proper and helpful attitude, conduct and behavior in the facility and/or has adhered to the rules of the facility, the Warden may award up to fifteen (15) days per month for each month served on a sentence, which will reduce the minimum and maximum sentence to be served. This will begin upon initial arrival at a WDOC facility
- E. Removal and/or Withholding of Good Time.** It is the policy of the WDOC that previously awarded good time may be removed, or good time not yet awarded may be withheld, by the Warden or Director, if the inmate has not had an attitude, conduct or behavior that has been good, proper or helpful, and/or has not adhered to the rules of the facility.



1. Good time allowances granted prior to the effective date of this policy may not be removed by the WDOC for reasons which happened after the implementation of the policy. Any special good time awarded off the minimum sentence prior to July 1, 2010, may not be removed. Good time allowances cannot be removed from the minimum sentence once it has been served.
- F. **Restoration of Good Time.** It is the policy of the WDOC to recommend to the Board, when an inmate has resumed or eventually demonstrated a proper and helpful attitude, conduct and behavior in the facility and has adhered to the rules of the facility, the restoration of some or all of the inmate's previously lost good time.
- G. **Maximum Sentence.** It is the policy of the WDOC that in no instance may good time allowances cause the maximum sentence to be less than the minimum sentence. No inmate may be released, from the incarcerated portion of the sentence, in the various forms that may take, until the minimum sentence, reduced by any good time allowances, has been served. Exceptions to this would be sentence modifications by the court, commutations or pardons.
- H. **Allowances, Removals and Withholdings are Final.** It is the policy of the WDOC that all allowances, removals and withholdings of good time and/or special good time, as well as any restoration of good time decisions made by the WDOC are final and not subject to appeal. Such actions are a matter of grace and are not a right of inmates.

III. DEFINITIONS

- A. **Especially Proper and Helpful Attitude, and Exemplary Conduct and Behavior:** *(For this policy only.)* Includes but is not limited to outstanding adherence to the rules of the institution and compliance with directions or recommendations regarding work assignments or vocational, educational, rehabilitative or treatment programs, and a marked demonstration of pro-social behavior in the prison setting.
- B. **Evidentiary Hearing:** *(For this policy only.)* Includes a hearing, such as a disciplinary hearing, that provides at least the minimal procedural steps required for the withholding of future good time allowances or the removal of previously earned good time including, but not limited to, prior notice of the hearing and of the allegations, opportunity to hear and present evidence in person and to confront witnesses and a decision by an impartial decision maker.



- C. **Flat Time:** An inmate is considered to be on flat time if the Wyoming Board of Parole or the WDOC Director has removed all earned good time and all future good time earning ability on the inmate's maximum sentence.
- D. **Good Time Allowance:** A reduction of the minimum and maximum sentence of an inmate in the amount of up to fifteen (15) days per month for each month served on a sentence as the result of the inmate's proper and helpful attitude, conduct and behavior in an facility and/or as a result of his or her adherence to the rules of the facility. Good time is awarded at the discretion of the Warden and is not a right of inmates. An inmate serving a life sentence or a sentence of death is not eligible for good time allowances.
- E. **Individualized Case Plan:** A plan developed for each inmate on an individual basis by the inmate's case manager, the inmate, and the appropriate interdisciplinary team members. The plan provides a guideline or plan for work, recommended or required treatment, programming, including timing and delivery of services, based on individualized assessed risk and needs, evidence-based best practices, responsivity principles, relapse prevention and the availability of interventions.
- F. **Inmate:** Any person under supervision of the WDOC who is not on parole or probation status. An inmate is a person who is incarcerated in any WDOC correctional facility, Interstate Compact, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody and supervision of the WDOC.
- G. **Institution or Facility:** *(For this policy only.)* A correctional facility under the direct control of the Wyoming Department of Corrections, and facilities contracted by the Department to house Wyoming inmates, to include adult community correction centers, pursuant to W.S. §7-3-401, W.S. §7-22-102 or W.S. §25-1-105.
- H. **Multi-Disciplinary Team (MDT):** *(For this policy only.)* A team of staff from different operational areas of the facility consisting of, at a minimum, the presenting case manager, a unit manager or program manager, and a security staff person. Any other staff members who may have pertinent information to the discussion may be included.
- I. **Projected Earliest Maximum Discharge Date:** The date of the sentence plus the maximum sentence, less any court awarded credit, adjusted based on potential full award of good time. Potential good time allowances on the projected discharge month will be calculated on the actual days to be served and may involve a partial monthly good time allowance. This date is only a projection and does not constitute an award of good time.



- J. Projected Earliest Minimum Expiration Date:** The date of the sentence plus the minimum sentence, less any court awarded credit, adjusted based on a potential full award of good time. Potential good time allowances for the month of arrival at a WDOC facility will be based on actual days served and may involve a partial monthly good time allowance. This date is only a projection and does not constitute an award of good time.
- K. Proper and Helpful Attitude, Conduct and Behavior:** *(For this policy only.)* Shall include, but is not limited to, an inmate's adherence to his/her individualized case plan, participation as directed and appropriate in work and/or education, vocational programs and/or job training, treatment and/or rehabilitative programs, as directed and appropriate to the inmate's case plan, assessed needs, or recommendation of the sentencing or paroling authority, as well as adherence to the rules of the facility.
- L. Special Good Time Allowance:** If an inmate has demonstrated an especially proper and helpful attitude, exemplary conduct and behavior, the Board may award up to one month of special good time off the minimum sentence for every year in length of the minimum sentence, up to a maximum of one year, in addition to the monthly good time allowance.
- 1.** Additionally, the Board may award up to one year of special good time, regardless of the minimum sentence, to an inmate with the appropriate attitude, conduct and behavior, only for the purpose of granting him/her parole to an Adult Community Corrections program, the Intensive Supervision Program, a Court Supervised Treatment Program or other established community treatment program or to another state when the inmate would not otherwise have sufficient time left on the maximum sentence by the time of parole eligibility for such a program.

IV. PROCEDURE

- A. Good Time Allowances.** Offenders sentenced to incarceration in the WDOC are eligible to earn good time allowances reducing the minimum and maximum sentence by up to fifteen (15) days per month for each month served on a sentence, unless it is a life sentence or a death sentence.
- 1.** If an inmate receives a commutation of a life sentence or a death sentence to a number of years on at least the minimum sentence, he or she will be eligible for good time allowances, consistent with this policy, from the point of the commutation and good time allowances will not be considered for the time period the sentence was a life or death sentence.



- B. Sentence Calculations.** Upon an inmate's arrival at a WDOC facility, both minimum and maximum sentences, without good time allowances, as well as with the potential full allowances, will be calculated and entered on the Sentence Information Document (SID) form, which will be placed in the inmate's file.
1. The Records Office will calculate the full minimum sentence minus any court awarded jail credit, and the projected earliest minimum expiration date or projected parole eligibility date, which includes the potential full award of good time. The first month will be calculated from date of arrival, based on the actual number of days to be served, resulting in a possible partial good time allowance.
 2. At the same time, the full maximum sentence minus any court ordered jail credit, and the projected earliest maximum sentence discharge date, which includes the potential full award of good time, shall be calculated. The last month will be calculated based on the actual number of days to be served, resulting in a possible partial good time allowance.
 3. The projections of potential maximum good time allowances are not to be considered allowances which have already been made, but rather state the minimum and maximum sentence adjustments if the inmate receives the full potential allowances.
 4. Sentence calculations, including good time projections will be entered on a Sentence Information Document (SID) form, provided to the inmate and the Board and forwarded to and kept by the WDOC facilities.
 5. During the inmate's incarceration he/she will receive a quarterly documentation of his/her sentence calculations, including the good time allowances, withholdings or losses. That document will also include the adjusted minimum sentence and the adjusted maximum sentence date. When the inmate is within one year of his/her adjusted maximum sentence date, a projected maximum sentence date will also be calculated.
 6. Inmates serving a Wyoming sentence in another state under the Interstate Compact for Inmates and are eligible for good time allowances shall receive sentence documentation at a minimum every six (6) months, following the receipt of progress reports from the receiving state. Progress reports from the receiving state shall be communicated to the Records Office to ensure information is available to make good time allowance decisions.
 7. When the inmate is within three months, or one quarter, of reaching the projected maximum sentence date, good time allowances for the final



quarter will be projected. Within one week of the projected maximum sentence completion, the Records Office will check to ensure the inmate has not failed to earn the anticipated good time, or lost previously awarded good time.

C. Awarding of Good Time. When an inmate demonstrates a proper and helpful attitude, conduct and behavior in the facility and has adhered to the rules of the facility, the Warden may award good time for each month served, which will reduce the minimum and maximum sentence to be served.

1. The maximum good time award is fifteen (15) days per month for each month served on a sentence. The maximum monthly award is to be based on an inmate's behavior and disciplinary record, as well as compliance with the inmate's individualized case plan. If the inmate is complying with the requirements necessary to receive good time allowances, the monthly award shall be for fifteen (15) days, rather than a partial award, with the exception of the beginning and ending months of incarceration, consistent with this policy.
2. For each month an inmate remains disciplinary free, consistent with this policy, as well as participates in programming or other activities as identified in his/her individualized case plan and/or as directed by his or her case manager or by other WDOC staff, he/she shall receive the full good time award for that month unless earning for such month has been previously withheld based on prior behaviors. Allowances of good time will be documented quarterly by the Warden's office and kept in the inmate's facility file or data system. No good time is deemed to be awarded until such documentation.
3. Wardens shall determine which staff member(s) are responsible for the monthly and quarterly reviews of each inmate's performance to determine the good time allowances.
4. When an inmate has begun a prison sentence and good time allowances have been awarded, and by court action the inmate is released from WDOC's custody, but later returned to prison on the same crime following a new conviction, re-sentencing, or probation revocation, any previously awarded good time or special good time, under the good time rules in effect at the time of the previous incarceration, will be applied to the inmate's sentence.
5. An inmate returned to WDOC on the same sentence for any reason, shall be given credit for any previously awarded good time or special good time allowances, consistent with the good time rules in effect during the time of



the allowances, and which were not previously taken in the approved process.

6. Good time allowances shall begin, consistent with this policy, upon an inmate's arrival at a WDOC facility.
7. Consistent with this policy, an inmate may receive a partial good time award for the first month of arrival at a WDOC facility, depending upon the number of actual days served.
8. When an inmate is released prior to the last day of the month and has not lost good time eligibility, he/she may receive a partial good time award for the number of actual days served.
9. Inmates who are paroled to a detainer after July 1, 2010, in another jurisdiction will not continue to earn inmate good time allowances.
10. Inmates paroled to a consecutive Wyoming sentence will earn inmate good time, consistent with this policy. This will apply to both the sentence from which the inmate was paroled, as well as the new sentence.
11. For parolees returned to a WDOC facility pending a parole revocation hearing, he/she will not earn inmate good time until such time as the parolee's status changes to inmate, consistent with this policy.
12. If an inmate has a consecutive sentence(s), good time allowances on one sentence do not apply to the consecutive sentence. One exception to this is when a sentence is reversed on appeal or vacated and the inmate has a consecutive sentence to follow, which he/she begins to serve as a result of the preceding sentence being reversed, previously awarded good time and special good time on the reversed sentence will be applied to the consecutive sentence. Additionally, the inmate will receive credit for time served on the previous sentence to be applied toward a new sentence.
13. No good time allowances will be made to an inmate on escape status.
14. No good time allowances will be made to an inmate serving a sentence for another jurisdiction who has yet to be booked into a WDOC facility for his/her Wyoming sentence. For inmates under this status prior to July 1, 2010, the former good time rules will apply.
15. At no time may good time allowances cause the maximum sentence to be less than the minimum sentence.



16. Inmates will be advised quarterly of their good time allowances status. Inmates serving a Wyoming sentence and housed in another jurisdiction under the Interstate Compact for Inmates, shall be advised at least every six (6) months of their good time allowances, if they are eligible.

D. Removal and Withholding of Good Time. Any good time allowance which has already been awarded may be removed by the WDOC from an inmate whose attitude, conduct or behavior has not been good, proper or helpful, and/or who has not adhered to the rules of the facility. Additionally, the WDOC may prohibit the earning of future good time allowances by an inmate on the same grounds. If circumstances indicate a need to place an inmate on flat time, it may require a combination of removing and withholding good time.

1. The substantiated evidence for the potential loss of previously awarded good time or withholding of future good time awards is based upon general and major violations under WDOC Policy & Procedure #3.101, *Code of Inmate Discipline*.
2. The definition of “proper and helpful attitude, conduct and behavior,” involves adherence to the rules, individualized case plan, work, education, vocational programs, rehabilitative programs, recommendations of the sentencing authority as directed. These components are primarily reflected in the individualized case plan.
3. Individualized case plans utilize assessed needs and risks and intended interventions, along with educational, vocational, work goals, and corresponding recommendations from the court, Board, and WDOC to establish a plan during an inmate’s incarceration.
4. General and major guilty findings under the *Code of Inmate Discipline* will serve as the evidentiary hearing necessary to withhold or remove good time in the amounts and direction indicated in this policy. Prior to the potential Conduct Violation Report, particularly around individualized case plan compliance issues such as attending work, school, programming or other assignments, or failure to program, the case manager will utilize the MDT process as described in this policy to assist in determining the appropriate course of action.
5. Failure to program and comply with the separate elements of the individualized case plan can be reviewed at regular intervals. It is possible to view the separate elements of an individualized case plan as distinct from one another and they can be addressed separately for purposes of determining whether a notice of charges is warranted.



6. If an inmate has been advised of a program to complete, and has been given an adequate amount of time, 30 days for example, to agree to participate, but refuses, the MDT will discuss the possible options including a Conduct Violation Report for failure to program. If this course of action is taken and the inmate is charged and found guilty of failing to program, following the withholding or removal of good time for a six month period, the issue will be again reviewed and acted upon, depending on either agreement or continued refusal.
7. Should an inmate be found guilty of failure to program or some other non-compliance with the individualized case plan, subjected to a withholding or removal of the designated amount of good time, and during that time period the inmate chooses to participate, the withholding of good time can stop or a recommendation to the Board to restore previously removed good time can proceed.
8. In addition to other disciplinary infractions, a general pattern of refusing to program, along with absence from those activities recommended by WDOC staff, or as noted in the individualized case plan, will result in disciplinary violations, which in turn will be used as evidence of failing to meet the requirements necessary to receive full good time allowances.
 - i. The guidelines for the removal or withholding of good time allowances are as follows:
 - a. For three or more minor disciplinary convictions on separate convictions within a six (6) month period, which may result in a general violation, withhold good time allowances for a three (3) month period;
 - b. For one general disciplinary conviction, withhold good time allowances for a three (3) month period;
 - c. For one major disciplinary conviction, withhold good time allowances for a six (6) month period;
 - d. For one major predatory disciplinary conviction, withhold good time allowances for a twenty-four (24) month period.
 - ii. Failure by an inmate to comply with this section due to the lack of a specific program or a program's waiting list will not negatively impact an inmate's good time earning ability.
9. **Withholding future allowances.** Withholding of future earnings will be the first response to behaviors outlined in subparagraphs D.8.i. a-d, unless



there is insufficient good time earning potential remaining on the sentence to impose the prescribed good time allowance reduction, in which case removal of previously awarded good time or a combination of withholding and removal will be considered.

- i. Discussions will be initiated by the case manager by submitting the information to the MDT to discuss when to pursue a disciplinary notice of an inmate. This portion of the process will primarily involve what constitutes a failure to program or complete other aspects of the individualized case plan, which could result in a Conduct Violation Report.
- ii. This will be reviewed in a timely manner by the facility's MDT. This process should begin as soon as possible after the infraction(s) to be most effective and the MDT's decision will be made no later than thirty (30) days after referral by the case manager or other WDOC employee.
- iii. One purpose of using the MDT for reviews of when to pursue disciplinary action for an inmate's failure to program as directed, or intentionally failing to attend work, mandatory programs, and determining what constitutes a pattern of such behavior as described in the *Code of Inmate Discipline*, is to provide consistency in approach.
- iv. Disciplinary convictions which result in the withholding of good time allowances, consistent with this policy, will be sent to the Warden by the Records Office for review and final approval.
- v. In applying these guidelines, the Warden will consider any mitigating and aggravating factors, including the severity of the disciplinary offense, history or pattern of disciplinary offenses, mental and medical infirmities which may affect the inmate's ability to comply. These considerations may form the basis to exceed or reduce withholdings as set forth in these guidelines, to include withholding of all future allowances placing the inmate on flat time.
- vi. Following the Warden's determination, the Records Office will be informed.
- vii. The inmate will be informed of the decision.
- viii. The Warden's decision to withhold good time allowances is final and not subject to appeal.



- 10. Removal of good time allowances.** Previously awarded good time allowances, which have not been withheld, may be removed by the WDOC Director upon recommendation of the Warden. By using disciplinary violation(s) and process, consistent with this policy, as the grounds for removal of good time, the inmate's due process requirements are met.
- i.** If the Warden has determined that it is appropriate to withhold good time earnings pursuant to the process in D.9, but there is insufficient remaining good time earning potential on the inmate's sentence for the required good time adjustment, the Warden will recommend to the Director that previously awarded good time be removed in amounts consistent with the guidelines for withholding as set forth in D.9.
 - ii.** If the Warden intends to recommend to the Director that previously awarded good time be removed, the inmate will first be advised of the recommendation. The inmate will be given ten (10) days to provide written comments related to the recommendation which will accompany the Warden's recommendation to the Director.
 - iii.** The Director will review the recommendation for the removal of good time and any objection submitted by the inmate, together with the written summary and determination from the institutional file of the inmate. Based on this information, the Director shall determine whether to remove good time allowances previously awarded.
 - iv.** The inmate shall be advised of the decision. The Director's decision is final and not subject to appeal. The Records Office will be advised of the decision and will adjust sentence calculations accordingly.
- 11.** Good time award removal or withholding will accrue; consistent with these guidelines, consecutively for each disciplinary conviction arising out of separate incidents, until no further good time can either be removed or withheld, if necessary.
- 12.** This will be re-evaluated at each regularly scheduled classification or re-classification review for any possible impact to the inmate's classification status, as well as further disciplinary action and possible good time allowances, withholdings or loss, or the initiation and/or resumption of good time allowances depending upon an inmate's actions.



13. Good time allowances cannot be removed from the minimum sentence once it has been served.

E. Restoration of Good Time. When an inmate has resumed or eventually demonstrated a proper and helpful attitude, conduct and behavior in the facility and has adhered to the rules of the facility, the Director may recommend to the Board of Parole to restore some or all of an inmate's previously withheld or removed good time.

1. Recommendations for the restoration of previously withheld or removed good time may initiate with the case manager or other WDOC employee and will be reviewed by the MDT.
2. Considerations in the decision to recommend the restoration of good time may include the inmate's eventual compliance with the rules of the facility, appropriate attitude and behavior, participation in recommended programs, work, or other directions from the individualized case plan, as well as enough time passage from the loss of good time to indicate the change(s) are substantial and merit this consideration.
3. If the MDT agrees with the recommendation to restore withheld or removed good time it will forward the recommendation to the Warden. After reviewing the appropriate material, the Warden may forward the recommendation to the Director for approval or denial. If approved by the Director, the recommendation will be sent to the Board for consideration and final determination.

F. Awarding, Withholding and Removal of Special Good Time

1. When an inmate has an especially proper and helpful attitude, exemplary conduct and behavior in the facility and has shown exemplary adherence to the rules of the facility, and has demonstrated exceptional circumstance by substantial compliance with his/her individualized case plan, the Board may award an inmate up to one (1) month of special good time off the minimum sentence for every year in length of the minimum sentence, up to a maximum of one year, in addition to the monthly good time allowance.

- i. Additionally, the Board may award up to one year of special good time regardless of the length of the minimum sentence, to an inmate with the appropriate attitude, conduct and behavior, only for the purpose of granting him/her parole to an Adult Community Corrections program, the Intensive Supervision Program, a Court Supervised Treatment Program or other established community treatment program or to another state when the inmate would



not otherwise have sufficient time left on the maximum sentence by the time of parole eligibility for such a program.

2. The Board may consider an award of special good time at an inmate's regularly scheduled Board hearing, or following the request of the Warden, at a special Board hearing. In either instance, though the Board may act on its own accord, if an inmate meets the purpose and definition of special good time, the facility may recommend the Board consider the request.
3. If the facility identifies an inmate who meets the definition of special good time and his/her sentence does not allow enough time on parole to complete a specific community program, the Warden may recommend through a special Board hearing, or the facility may recommend for the regular Board hearing, such consideration.
4. The Board may, of its own accord and without the recommendation of the WDOC, determine whether to remove and/or prohibit the future earning of good time and/or special good time already granted, and/or prohibit the earning of future good time and/or special good time allowances of an inmate who has not demonstrated a proper and helpful attitude, conduct and behavior.
5. Special good time which has been awarded off an inmate's minimum sentence prior to July 1, 2010, may not be removed.

V. TRAINING POINTS

- A. What is good time and special good time?
- B. What factors are taken into account when considering good time allowances?
- C. What type of good time cannot be removed once awarded?
- D. Which entity within the facility is responsible for determining whether grounds exist to recommend to the Warden the withholding or removal good time?
- E. Which other agency regulates good time issues besides the WDOC?
- F. Can good time ever be returned after it is taken?
- G. Who makes the decision on the awarding of good time and special good time?



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